

Court of Appeals, Division One
Criminal

1 CA-CR 14-0427

STATE v. DEVAULT

Appellate Case Information

Case Filed: 1-Jul-2014
Case Closed:

Dept/Composition

Department B

Hon. Kent E Cattani
Hon. Samuel A Thumma
Hon. Randall M Howe

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Adele Ponce, Esq. (AZ Bar No. 23237)

Side 2. MARISSA SUZANNE DEVAULT, Appellant

(Litigant Group) MARISSA SUZANNE DEVAULT

- Marissa Suzanne Devault

Attorneys for: Appellant

Cedric Martin Hopkins, Esq. (AZ Bar No. 22790)

CASE STATUS

Oct 4, 2016.....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2009-030306-001	First Degree Murder, Class 1	Natural Life	Roland J Steinle, Sentencing	JURY	

DESCENDENT CASE(S)

ASC CR-16-0355-PR

CASE DECISION

04-Aug-2016 MEMORANDUM DECISION

Kent Cattani.....Author
Samuel Thumma.....Concur
Randall Howe.....Concur

Filed: 04-Aug-2016

Mandate:

Decision Disposition

Affirmed

90 PROCEEDING ENTRIES

- 1-Jul-2014 FILED: Notice of Appeal from Maricopa County Superior Court filed 06/26/14. Includes Designation of Record. Notification to Court Reporters dated 06/30/2014.
- 21-Jul-2014 FILED: Reporter's Transcript - 12/06/11 - Status Conference (Jovanna Roman)
- 21-Jul-2014 FILED: Reporter's Transcript - 01/06/12 - Evidentiary Hearing Re 404b Motion - (Jovanna Roman)
- 8-Aug-2014 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None
- 10-Aug-2014 FILED: Reporter's Transcript - 03/08/13 - Settlement Conference - (Marmie Guimont)
- 11-Aug-2014 FILED: Reporter's Transcript - 01/29/2014 - Trial Day 5 - (Patricia Kotarba)
- 18-Aug-2014 FILED: Untitled Letter from Court Reporter re: Requesting Extension of Time to File Transcripts (Janell Rose)
- 27-Aug-2014 ORDERED: Untitled Letter from Court Reporter re: Requesting Extension of Time to File Transcripts (Janell Rose) = GRANTED. Due Dates EXTENDED to 09/26/2014 for proceedings dated 03/18/2011, 12/19/2013, 01/21/2014, 01/22/2014, 01/27/2014, 01/28/2014, 02/05/2014, 02/06/2014, 02/10/2014, 02/11/2014, 02/12/2014, 02/13/2014, 02/18/2014, 02/19/2014, 03/04/2014, 03/03/2014, 03/10/2014, 03/11/2014, 03/25/2014, 03/26/2014. Hon Michael J Brown - Author

Court of Appeals, Division One
Criminal

1 CA-CR 14-0427

STATE v. DEVAULT

90 PROCEEDING ENTRIES

9.	28-Aug-2014	FILED: Reporter's Transcript - 01/23/2014 - Trial Day Two - (Nicole Sesta)
10.	3-Sep-2014	FILED: Reporter's Transcript - 4/5/13 - (Sally Stearman)
11.	3-Sep-2014	FILED: Reporter's Transcript - 2/7/13 - (Sally Stearman)
12.	8-Sep-2014	FILED: Untitled Letter from Court Reporter re: Requesting Extension of Time to File Transcripts (Janell Rose)
13.	10-Sep-2014	FILED: Reporter's Transcript - 09/24/2010 - Settlement Conference - (Elva Cruz-Lauer)
14.	10-Sep-2014	FILED: Reporter's Transcript - 07/15/2011 - Case Resolution Conference - (Elva Cruz-Lauer)
15.	17-Sep-2014	ORDERED: Court Reporter Marla Arnold due date extended to 10/17/2014 for proceedings held on 02/20/2014, 03/05/2014, 03/06/2014, 04/10/2014, 04/15/2014, 04/16/2014, 04/17/2014. Hon Michael J Brown - Concur
16.	17-Sep-2014	ORDERED: Court Reporter Deborah M Croci due date extended to 10/17/2014 for proceedings held on 02/19/2013. Hon Michael J Brown - Author
17.	17-Sep-2014	ORDERED: Court Report Amy E Stewart due Dates EXTENDED to 10/17/2014 for proceedings held on 10/16/2009, 01/22/2010. Hon Michael J Brown - Concur
18.	17-Sep-2014	ORDERED: Untitled Letter from Court Reporter re: Requesting Extension of Time to File Transcripts (Janell Rose) Due Dates EXTENDED to 10/27/2014 for proceedings held on 03/18/2011, 12/19/2013, 01/21/2014, 01/22/2014, 01/27/2014, 01/28/2014, 02/05/2014, 02/06/2014, 02/10/2014, 02/11/2014, 02/12/2014, 02/13/2014, 02/18/2014, 02/19/2014, 03/04/2014, 03/03/2014, 03/10/2014, 03/11/2014, 03/25/2014, 03/26/2014, 03/27/2014, 04/01/2014, 04/08/2014, 04/09/2014, 04/14/2014, 04/15/2014, 04/21/2014, 04/22/2014, 04/29/2014, 04/30/2014, 06/06/2014 or OSC 11/05/2014. Hon Michael J Brown - Author
19.	14-Oct-2014	FILED: Reporter's Transcript of Proceedings - Trial 03/18/2011 - (Janell Rose)
20.	14-Oct-2014	FILED: Reporter's Transcripts of Proceedings - Trial 12/19/2013 (Janell Rose)
21.	14-Oct-2014	FILED: Reporter's Transcripts of Proceedings - Trial 01/21/2014 - (Janell Rose)
22.	14-Oct-2014	FILED: Reporter's Transcripts of Proceedings - Trial - 02/06/2014 - (Janell Rose)
23.	14-Oct-2014	FILED: Reporter's Transcripts - Trial - 01/27/2014 - (Janell Rose)
24.	14-Oct-2014	FILED: Reporter's Transcripts - Trial - 02/10/2014 - (Janell Rose)
25.	21-Oct-2014	FILED: Reporter's Transcripts - Trial - 02/11/2014 - (Janell Rose)
26.	21-Oct-2014	FILED: Untitled Letter from Court Reporter re: Requesting Extension of Time to File Transcripts (Janell Rose)
27.	22-Oct-2014	FILED: Reporter's Transcript - 03/05/14 - Trial Day 17 All Day - (Marla Arnold)
28.	23-Oct-2014	FILED: Reporter's Transcript - 2/20/14 - Trial Day 14 All Day - (Marla Arnold)
29.	23-Oct-2014	FILED: Reporter's Transcripts - 03/06/14 - Trial Day 18 P.M. - (Marla Arnold)
30.	26-Oct-2014	FILED: Reporter's Transcript of trial proceedings: 01/28/2014 Trial (Janell Rose)
31.	26-Oct-2014	FILED: Reporter's Transcript - 02/05/2014 - (Janell Rose)
32.	26-Oct-2014	FILED: Reporter's Transcript - 02/12/2014 - (Janell Rose)
33.	28-Oct-2014	ORDERED: Untitled Letter from Court Reporter re: Requesting Extension of Time to File Transcripts (Janell Rose) = GRANTED. Due Dates EXTENDED to 11/10/2014 for Transcripts proceedings held on 01/22/2014, 02/13/2014, 02/18/2014, 02/19/2014, 03/04/2014, 03/03/2014, 03/10/2014, 03/11/2014, 03/25/2014, 03/26/2014, 03/27/2014, 04/01/2014, 04/08/2014, 04/09/2014, 04/14/2014, 04/15/2014, 04/21/2014, 04/22/2014, 04/29/2014, 04/30/2014, 06/06/2014 or OSC 11/19/2014. FURTHER ORDERED if transcripts not filed by due date of 11/10/2014 monetary sanction of \$75 per day beginning 11/11/2014. Hon Michael J Brown - Author
34.	3-Nov-2014	FILED: Reporter's Transcript - Trial Proceedings - 02/13/2014 (Janell Rose)
35.	3-Nov-2014	FILED: Reporter's Transcript - 02/18/2014 - (Janell Rose)
36.	3-Nov-2014	FILED: Reporter's Transcript - 02/19/2014 - (Janell Rose)

Court of Appeals, Division One
Criminal

1 CA-CR 14-0427

STATE v. DEVAULT

90 PROCEEDING ENTRIES

37.	3-Nov-2014	FILED: Reporter's Transcript - 03/03/2014 Trial - (Janell Rose)
38.	3-Nov-2014	FILED: Reporter's Transcript - 03/04/2014 - (Janell Rose)
39.	3-Nov-2014	FILED: Reporter's Transcript - Trial Proceedings - 03/10/2014 (Janell Rose)
40.	7-Nov-2014	FILED: Reporter's Transcripts - Trial - 03/11/14 - (Janell Rose)
41.	7-Nov-2014	FILED: Reporter's - Trial - 03/25/14 - (Janell Rose)
42.	7-Nov-2014	FILED: Reporter's Transcripts - 03/26/14 - (Janell Rose)
43.	7-Nov-2014	FILED: Reporter's Transcript - Trial - 03/27/14 - (Janell Rose)
44.	8-Nov-2014	FILED: Reporter's Transcript - 04/01/2014 - (Janell Rose)
45.	8-Nov-2014	FILED: Reporter's Transcript - 04/08/2014 - (Janell Rose)
46.	8-Nov-2014	FILED: Reporter's Transcript - 04/14/2014 - (Janell Rose)
47.	8-Nov-2014	FILED: Reporter's Transcript - 04/30/2014 (Janell Rose)
48.	10-Nov-2014	FILED: Reporter's Transcript - 01/22/2014 - (Janell Rose)
49.	10-Nov-2014	FILED: Reporter's Transcript - trial proceedings - 04/09/2014 - (Janell Rose)
50.	10-Nov-2014	FILED: Reporter's Transcript - 04/22/2014 - Trial - (Janell Rose)
51.	10-Nov-2014	FILED: Reporter's Transcript - 04/29/2014 Trial - (Janell Rose)
52.	10-Nov-2014	FILED: Reporter's Transcript - 4/15/14 - Trial (Janell Rose)
53.	10-Nov-2014	FILED: Reporter's Transcript - 4/21/14 - Trial - (Janell Rose)
54.	10-Nov-2014	FILED: Reporter's Transcript - 6/6/14 - Trial - (Janell Rose)
55.	14-Nov-2014	FILED: Reporter's Transcripts - 01/22/2010 - (Amy Weaver)
56.	14-Nov-2014	FILED: Reporter's Transcript - 10/16/2009 - (Amy Weaver)
57.	17-Nov-2014	ORDERED: Court reporter Marla Arnold due dates EXTENDED to 12/17/2014 for Transcripts of proceedings held on 04/10/2014, 04/16/2014, 04/17/2014 or OSC 01/07/2015. Hon Michael J Brown - Author
58.	17-Nov-2014	ORDERED: Court reporter Deborah M Croci due date EXTENDED from Friday, 10-17-2014 to Wednesday, 12-17-2014 for transcript of proceedings held on 02/19/2013 or OSC 01/07/2015. Hon Michael J Brown - Author
59.	24-Nov-2014	FILED: Reporter's Transcript - 04/16/2014 - Trial Day 34 All Day - (Marla Arnold)
60.	24-Nov-2014	FILED: Reporter's Transcript - 04/17/14 - Trial Day 35 P.M. - (Marla Arnold)
61.	2-Dec-2014	FILED: Reporter's Transcript - 04/10/2014 -Trial Day 31 P.M. - (Marla Arnold)
62.	18-Dec-2014	FILED: Reporter's Transcript - Hearing - 02/19/13 - (Deborah Croci)
63.	5-Jan-2015	FILED: Reporter's Transcript - 04/15/14 - Trial Day 33 P.M. - (Marla Arnold)
64.	9-Jan-2015	FILED: Notice of Completion of Record
65.	20-Jan-2015	FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
66.	29-Jan-2015	ORDERED: Motion to Withdraw and Substitute New Counsel (Appellant) = GRANTED/Appointing attorney Cedric Hopkins as attorney for appellant. FURTHER ORDERED: Maricopa County Public Defender immediately forward to newly-appointed counsel all files. FURTHER ORDERED: Motion to Extend Opening Brief Due Date (Appellant) = GRANTED. Due date EXTENDED from Monday, 02-23-2015 to Thursday, 03-12-2015 Anthony Mackey ProTem Judge - Author
67.	18-Feb-2015	FILED: Request for Briefing Schedule Conference; Certificate of Service (Appellant)

Court of Appeals, Division One
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1 CA-CR 14-0427

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90 PROCEEDING ENTRIES

68.	19-Feb-2015	ORDERED: Request for Briefing Schedule Conference (Appellant) = GRANTED. Due date EXTENDED from Thursday, 03-12-2015 to Monday, 04-13-2015. Fred Cole ProTem Judge - Author
69.	13-Apr-2015	FILED: Motion to Extend Time to File Opening Brief; Certificate of Service (Appellant)
70.	17-Apr-2015	ORDERED: Motion to Extend Time to File Opening Brief (Appellant)= GRANTED. Due date EXTENDED from Monday, 04-13-2015 to Wednesday, 05-13-2015. Anthony Mackey ProTem Judge - Author
71.	13-May-2015	FILED: Motion to Extend Time to File Opening Brief; Certificate of Service (Appellant)
72.	19-May-2015	ORDERED: Motion to Extend Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 05-13-2015 to Friday, 06-12-2015 or OSC 6/17/15 (Cedric Hopkins). Anthony Mackey ProTem Judge - Author
73.	12-Jun-2015	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
74.	25-Jun-2015	FILED: Notice of Appearance; Certificate of Service (Appellee)
75.	30-Jul-2015	ORDERED: Answering Brief due date EXTENDED from Monday, 07-27-2015 to Wednesday, 08-26-2015. Fred Cole ProTem Judge - Author
76.	24-Aug-2015	FILED: Motion for Extension of Time to File Answering Brief (Second Request); Certificate of Service (Appellee)
77.	27-Aug-2015	ORDERED: Motion for Extension of Time to File Answering Brief (Second Request) (Appellee) = GRANTED. Due date EXTENDED from Wednesday, 08-26-2015 to Friday, 09-25-2015. Anthony Mackey ProTem Judge - Author
78.	21-Sep-2015	FILED: Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
79.	23-Sep-2015	ORDERED: Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Friday, 09-25-2015 to Monday, 10-26-2015 or OSC on 11/04/2015. Anthony Mackey ProTem Judge - Author
80.	26-Oct-2015	FILED: Motion to Exceed Word Limit; Certificate of Service (Appellee)
81.	26-Oct-2015	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee) (See Order filed 11/03/2015)
82.	3-Nov-2015	ORDERED: Motion to Exceed Word Limit (Appellee) = GRANTED/Clerk of this court to file the tendered brief. Anthony Mackey ProTem Judge - Author
83.	30-Nov-2015	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
84.	8-Dec-2015	FILED: Supplemented Superior Court e-Record with Revised Index of Record
85.	29-Dec-2015	CLNDR: CONFERENCE, Department B, 2-9-16, COURTROOM 2.
86.	4-Aug-2016	MEMORANDUM DECISION (Affirmed) Hon Kent E Cattani Judge - Author; Hon Samuel A Thumma - Concur; Hon Randall M Howe - Concur
87.	4-Aug-2016	FILED: Memorandum Decision Distribution List
88.	9-Sep-2016	FILED: ASC Order filed 09/09/2016 re: extending time for filing Petition for Review to 10/06/2016.
89.	4-Oct-2016	FILED: Email Notice from ASC re: Petition for Review filed 10/3/16; request for partial record
90.	5-Oct-2016	FILED: Letter forwarding partial record to Arizona Supreme Court